



KREINDLER & KREINDLER LLP | 485 Lexington Avenue | New York, NY 10017-2629

office: 212.687.8181 | fax: 212.972.9432 | www.kreindler.com

June 21, 2024

VIA ECF

The Honorable George B. Daniels
 U.S. District Judge
 United States District Court
 Southern District of New York
 Daniel Patrick Moynihan U.S. Courthouse
 500 Pearl Street
 New York, NY 10007

The Honorable Sarah Netburn
 U.S. Magistrate Judge
 United States District Court
 Southern District of New York
 Thurgood Marshall U.S. Courthouse
 40 Foley Square, Room 430
 New York, NY 10007

Re: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judges Daniels and Netburn:

As this Court is aware, the United States Victims of State Sponsored Terrorism (USVSST) Fund has announced a deadline of July 1, 2024 for applicants to be eligible to participate in the next round of distribution, to begin in 2025. We appreciate that the Court has been reviewing and deciding several of the most recently filed applications for default judgments and are grateful for the Court's attention to these pending matters.

In the hopes of facilitating review of the remaining undecided motions filed by our law firms, which, collectively, represent about 95% of the families of those killed in the 9/11 Terrorist Attacks, we are providing the ECF numbers for the undecided motions, their filing date and the nature of the claims. None of these present novel issues of law and while a few involve personal injuries or a claim brought by the "functional equivalent" of an immediate family member, the vast majority are straightforward applications for solatium damages or economic loss to an estate. While some of our firms may be filing a very few number of additional motions within the next 1-2 business days, we believe the below represents nearly the entire scope of motions that could be addressed before the USVSST Fund deadline.

The motions still pending are as follows:

Date Filed	MDL ECF No.	Related Civil No.	Document Title	Type of Claim
04/06/2020	ECF 6123	<i>Ashton</i> 02-cv-6977	<i>Ashton</i> Plaintiffs' Objections to Reports and Recommendations Regarding Non-Immediate Family Members (ECF Nos. 5387 and 5701)	Solatium (Functional Equivalent)
03/26/2024	ECF 9660	<i>Burnett</i> , 15-cv-9903	<i>Burnett</i> Personal Injury 8 seeking pain and suffering damages for 11 U.S.-national	"Day Of" Personal Injury

New York

Boston

Los Angeles

Date Filed	MDL ECF No.	Related Civil No.	Document Title	Type of Claim
			“day of” personal injury claims	
04/10/2024	ECF 9677	<i>Ashton</i> 02-cv-6977	The <i>Ashton</i> 26 Motion for Final Damages for Estate Plaintiffs Without Prior Economic Loss Judgments and Solatium Plaintiffs Without Prior Judgments	9/11 Decedent Economic Loss and Immediate Family Member Solatium
04/30/2024	ECF 9733	<i>Burnett</i> , 15-cv-9903	<i>Burnett</i> Non-Nationals 1 seeking conscious pain and suffering damages and/or economic-loss damages for 49 non-U.S.-national 9/11-decedent estates	9/11 Decedent Pain and Suffering and Economic Loss
05/02/2024	ECF 9749	<i>Burnett</i> , 15-cv-9903	<i>Burnett</i> Non-Nationals 2 seeking pain and suffering damages for nine “day of” personal injury claims where the claimant was not a U.S. national on September 11, 2001	“Day Of” Personal Injury
5/20/2024	ECF 9818	<i>Jimenez</i> , 18-cv-11875 <i>Aamoth, Sr.</i> , 18-cv-12276 <i>King</i> , 22-cv-05193	Non-U.S. National Plaintiffs’ Notice Of Motion For Final Judgment As To Liability And For Partial Final Judgment For Damages Against The Islamic Republic Of Iran	9/11 Decedent Economic Loss and Immediate Family Member Solatium
5/24/2024	ECF 9825	<i>Jimenez</i> , 18-cv-11875	Moving Plaintiffs’ Notice Of Motion For Partial Final Damages Judgments	Solatium (Functional Equivalent)
5/24/2024	ECF 9829	<i>Morris</i> , 18-cv-05321 <i>Bernaerts</i> , 19-cv-11865	Non-U.S. National Plaintiffs’ Notice Of Motion For Partial Final Damages Judgments Against The Islamic Republic Of Iran	9/11 Decedent Economic Loss
06/03/2024	ECF 9853	<i>Ortiz</i> , 22-cv-3100	Motion for Entry of Partial Final Default Judgment as to Liability and Damages for one U.S.-national “day of” personal injury claim	“Day Of” Personal Injury
06/07/2024	ECF 9873	<i>Burnett</i> , 15-cv-9903	<i>Burnett</i> Personal Injury 9 seeking pain and suffering damages for one U.S.-	“Day Of” Personal Injury

Date Filed	MDL ECF No.	Related Civil No.	Document Title	Type of Claim
			national “day of” personal injury claim	
06/07/2024	ECF 9878	<i>Burnett</i> , 15-cv-9903	<i>Burnett</i> XXX seeking solatium damages for four claims under 28 U.S.C. § 1605A(c).	Immediate Family Member Solatium
06/07/2024	ECF 9879	<i>Ashton</i> 02-6977	The <i>Ashton</i> 27 Plaintiff’s Motion for Final Judgment	“Day Of” Personal Injury
06/12/2024	ECF 9889	<i>Burnett</i> , 15-cv-9903	<i>Burnett</i> Non-Nationals 3 seeking pain and suffering damages for two “day of” personal injury claims where the claimant was not a U.S. national on September 11, 2001	“Day Of” Personal Injury
06/17/2024	ECF 9910	<i>Hemenway</i> , 18-cv-12277 <i>Kim</i> , 18-cv-11870 <i>King</i> , 22-cv-05193	Moving Plaintiffs’ Notice Of Motion For Partial Final Damages Judgments	9/11 Decedent Economic Loss and Pain and Suffering
06/17/2024	ECF 9912	<i>Burnett</i> , 15-cv-9903	<i>Burnett</i> XXXI seeking solatium damages for one U.S.-national functional-equivalent claim	Solatium (Functional Equivalent)
06/17/2024	ECF 9917	<i>Burlingame</i> 02-cv-7230	The <i>Burlingame</i> XV Plaintiffs’ Motion for Partial Final Judgments	9/11 Decedent Pain and Suffering and Economic Loss
06/19/2024	ECF 9939	<i>Ashton</i> 02-6977	The <i>Ashton</i> 28 Motion for Final Damages for Estate Plaintiffs Without Prior Economic Loss Judgments and Solatium Plaintiffs Without Prior Judgments	9/11 Decedent Economic Damages and Immediate Family Member Solatium
06/19/2024	ECF 9945	<i>Burnett</i> , 15-cv-9903	<i>Burnett</i> Non-Nationals 4 seeking damages for intentional infliction of emotional distress for 67 non-U.S.-national immediate family members and two non-U.S.-national functional equivalent claims	Immediate Family Member Solatium and Functional Equivalent Solatium

Date Filed	MDL ECF No.	Related Civil No.	Document Title	Type of Claim
06/20/2024	ECF 9954	<i>Abel Sr</i> , 18-cv-11837 <i>Mellon</i> , 19-cv-11767 <i>Bodner</i> , 19-cv-11776 <i>Aron</i> , 20-cv-09376	Non-U.S. National Plaintiffs' Notice Of Motion For Final Judgment As To Liability And For Partial Final Judgment For Damages Against The Islamic Republic Of Iran	9/11 Decedent Economic Loss and Pain and Suffering and Immediate Family Member Solatium
06/20/2024	ECF 9959	<i>Ades</i> , 18-cv-07306	Moving Plaintiff's Notice Of Motion For Partial Final Damages Judgment	9/11 Decedent Economic Loss
06/21/2024	ECF 9977	<i>Ashton</i> , 02-cv-6977	The <i>Ashton</i> 29 Motion for Final Damages for Estate Plaintiffs Without Prior Economic Loss Judgments	9/11 Decedent Economic Damages

For the Court's convenience, we have also identified motions filed by other counsel that we believe remain outstanding and include them here, so as to have as close to a full set of pending applications in one place.

Date Filed	MDL ECF No.	Related Civil No.	Document Title
05/07/2024	ECF 9766	<i>Accardi</i> , 21-cv-6247	Motion seeking pain and suffering damages for 12 9/11 latent-injury decedents and 45 9/11 latent-injury solatium claimants
05/07/2024	ECF 9770	<i>Betso</i> , 21-cv-1394	Motion seeking pain and suffering damages for 27 9/11 latent-injury decedents and 67 9/11 latent-injury solatium claima
05/07/2024	ECF 9776	<i>Alexander</i> , 21-cv-3505	Motion seeking pain and suffering damages for 41 9/11 latent-injury decedents and 88 9/11 latent-injury solatium claimants
06/19/2024	ECF 9949	<i>Dickey</i> , 02-cv-6977	<i>Dickey</i> motion seeking entry of punitive-damages multiplier or treble damages under the Antiterrorism Act against Iran

Understanding that the Court's docket is heavy, both concerning matters in this MDL as well as other cases, we respectfully request that to the extent the Court is able to review and decide the pending motions prior to the USVSST Fund's July 1, 2024 deadline, our clients, whose applications to the Fund for participation in the next round of payments depend on a judgment issued by that deadline (and must also be promptly sent for service), would be most grateful.

Respectfully submitted,

KREINDLER & KREINDLER LLP

By: /s/ Megan W. Benett
Megan W. Benett, Esq.
485 Lexington Avenue
New York, New York 10017
(212) 687-8181
mbenett@kreindler.com
Attorneys for Ashton Plaintiffs

MOTLEY RICE LLC

By: /s/ John Eubanks
John M. Eubanks, Esq.
28 Bridgeside Boulevard
Mount Pleasant, SC 29464
(843) 216-9000
jeubanks@motleyrice.com
Attorneys for Burnett Plaintiffs

ANDERSON KILL

By: /s/ Jerry S. Goldman
Jerry S. Goldman, Esq.
Bruce Strong, Esq.
Anderson Kill P.C.
1251 Avenue of the Americas
New York, NY 10020
(212) 278-1000
jgoldman@andersonkill.com
bstrong@andersonkill.com
Attorneys for O'Neill Plaintiffs

SPEISER KRAUSE

By: /s/ Jeanne M. O'Grady
Jeanne M. O'Grady, Esq.
800 Westchester Ave, Ste. S-608
Rye Brook, NY 10573
(914) 220-5333
jog@speiskrause.com
Attorneys for Burlingame Plaintiffs